

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOHN JOSEPH O'SHEA,
Defendant.

§
§
§
§
§
§

CRIMINAL NO. Cr-H-09-629

DEFENDANT'S OBJECTIONS TO GOVERNMENT'S EXHIBITS

Defendant John Joseph O'Shea submits to the Court the following Objections to the Government's Exhibits. Defendant reserves the right to add or withdraw certain objections at anytime without prejudice.

Respectfully submitted,

BERG & ANDROPHY

/s/ Joel Androphy
Joel Androphy
State Bar No. 01254700
S.D. Tex. 53457
Sarah M. Frazier
State Bar No. 24027320
S.D. Tex. 27980
Ashley Gargour
State Bar No. 24065272
S.D. Tex. 1040478
Berg & Androphy
3704 Travis Street
Houston, Texas 77002-9550
Telephone: 713-529-5622
Facsimile: 713-529-3785
E-mail: jandrophy@bafirm.com
E-mail: sfrazier@bafirm.com
E-mail: agargour@bafirm.com

**ATTORNEYS FOR DEFENDANT
JOHN JOSEPH O'SHEA**

CERTIFICATE OF SERVICE

On October 31, 2011, a true and correct copy of this document was served on counsel electronically through the CM/ECF System.

/s/ Sarah M. Frazier
Sarah M. Frazier

DEFENDANT'S OBJECTIONS TO GOVERNMENT'S EXHIBIT LIST

Global objection: Defendant objects to metadata appended to exhibits except as to Exhibits 1A, 2E, 3E, 5G, 6G, 17F, and 21A, as to which Defendant challenges authenticity.

No.	Description	Objections/Notes
1	Overview and Money Trail	
1A	Spreadsheet with “3WT” and “Good Guys” columns	These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a). Objected previously to authenticity of each and all of these documents. In addition, object to use of ABBNM-V110-1172187-90, withheld by the government until October 20, 2011, weeks before trial.
1B	Emails between O’Shea and Basurto regarding spreadsheet/ table	These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a).
1C	Summary chart and supporting wires, invoices, and emails from ABB to Esimex	Records are not too voluminous as required under Rule 1006. Backup records included – can’t have both under Rule 1006.
1D	Summary chart and supporting wires and invoices from ABB to Basurto family	Records are not too voluminous as required under Rule 1006. Backup records – can’t have both under Rule 1006. Relevance under Rules 401 and 403 – Sitracen-era unindicted acts. Cumulative under Rules 403 and 611 as to ABBNM-V18-030314, which is also marked as Exhibits 2A, 3A, 4A, 5A, 6A, and 7A.
1E	Summary chart and supporting wires from Basurto family to Chelala	Records are not too voluminous as required under Rule 1006. Backup records – can’t have both under Rule 1006. (Wires only)
1F	Summary chart and supporting wires from Chelala to Lizarraga	Records are not too voluminous as required under Rule 1006. Backup records – can’t have both under Rule 1006.

No.	Description	Objections/Notes
1G	Summary chart and supporting documents and wires from ABB to Sorvill and Obras	Records are not too voluminous as required under Rule 1006. Backup records – can't have both under Rule 1006.
1H	3/25/04 Email from O'Shea relating to AmEx	Rule 403. Object to admissibility as sanction for failure to produce loan document O'Shea gave to Basurto Sr.
1I	Summary chart and supporting checks for payments from Basurto family for O'Shea	Records are not too voluminous as required under Rule 1006. Backup records – can't have both under Rule 1006. Object to admissibility as sanction for failure to produce loan document O'Shea gave to Basurto Sr.
2	Records Relating to Count 2	
2A	2/2/04 email from Basurto to O'Shea relating to payments	Cumulative under Rules 403 and 611(a): 3A, 4A, 5A, 6A, and 7A are same exhibit.
2B	2/17/04 wire of \$30,000 from ABB to BOA x543	-
2C	2/20/04 wire of \$22,500 from BOA x543 to Chelala	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
2D	2/26/04 wire of \$68,159 from Chelala to Lizarraga	Cumulative under Rules 403 and 611(a): Same as 3D, 5F, 6F.
2E	Records relating to Lizarraga's 3/18/04 purchase for Moreno	Relevance under Rules 401, 403 – this “tracing” is too attenuated. Cumulative under Rules 403 and 611(a): same exhibit as 3E, 5G, 6G. These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a). In addition, object to use of Lindsey_MISC_023716,

No.	Description	Objections/Notes
		Lindsey DOJTRANS_000451-52, withheld by the government until October 20, 2011, weeks before trial. In addition, Lindsey_MISC_023716 is a foreign public record unauthenticated under Rules 901 or 902 and is improper under Rule 403 with regard to witness signatures.
3	Records Relating to Count 3	
3A	2/2/04 email from Basurto to O'Shea relating to payments	Cumulative under Rules 403 and 611(a): 3A-7A are same exhibit.
3B	2/17/04 wire of \$30,000 from ABB to BOA x569	Relevance under Rules 401 and 403 – this “tracing” is too attenuated.
3C	2/23/04 wire of \$22,500 from BOA x569 to Chelala	Relevance under Rules 401 and 403 – this “tracing” is too attenuated.
3D	2/26/04 wire of \$68,159 from Chelala to Lizarraga	Cumulative under Rules 403 and 611(a): same as 2D, 5F, 6F. Relevance under Rules 401; 403 – this “tracing” is too attenuated.
3E	Records relating to Lizarraga's 3/18/04 purchase for Moreno	Relevance under Rules 401, 403 – this “tracing” is too attenuated. Cumulative under Rules 403 and 611(a): same exhibit as 2E, 5G, 6G. These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a). In addition, object to use of Lindsey_MISC_023716, Lindsey DOJTRANS_000451-52, withheld by the government until October 20, 2011, weeks before trial. In addition, Lindsey_MISC_023716 is a foreign public record unauthenticated under Rules 901 or 902 and is improper under

No.	Description	Objections/Notes
		Rule 403 with regard to witness signatures.
4	Records Relating to Count 4	Object to both Count 4 exhibits on relevance grounds under Rules 401 and 402.
4A	2/2/04 email from Basurto to O'Shea relating to payments	Cumulative under Rules 403 and 611(a): 3A, 4A, 5A, 6A, 7A are same exhibit.
4B	2/17/04 wire of \$30,000 from ABB to Wells Fargo x010	
5	Records Relating to Count 5	
5A	2/2/04 email from Basurto to O'Shea relating to payments	Cumulative under Rules 403 and 611(a): 3A, 4A, 5A, 6A, 7A are same exhibit.
5B	2/6/04 withdrawal of \$7,000 from BOA x513	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
5C	2/17/04 wire of \$30,000 from ABB to Chase x065	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
5D	2/20/04 wire of \$30,000 from Chase x065 to BOA x513	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
5E	2/23/04 wire of \$22,500 from BOA x513 to Chelala	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
5F	2/26/04 wire of \$68,159 from Chelala to Lizarraga	Cumulative under Rules 403 and 611(a): 3A, 4A, 5A, 6A, 7A are same exhibit. Relevance under Rule 401, 403 – this “tracing” is too attenuated.

No.	Description	Objections/Notes
5G	Records relating to Lizarraga's 3/18/04 purchase for Moreno	<p>Relevance under Rules 402 and 403 – this “tracing” is too attenuated. Cumulative – same exhibit as 2E, 3E, 6G.</p> <p>These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a).</p> <p>In addition, object to use of Lindsey_MISC_023716, Lindsey DOJTRANS_000451-52, withheld by the government until October 20, 2011, weeks before trial. In addition, Lindsey_MISC_023716 is a foreign public record unauthenticated under Rules 901 or 902 and is improper under Rule 403 with regard to witness signatures.</p>
6	Records Relating to Count 6	
6A	2/2/04 email from Basurto to O’Shea relating to payments	Cumulative under Rules 403 and 611(a): 3A, 4A, 5A, 6A, 7A are same exhibit. .
6B	2/5/04 withdrawal of \$9,000 from BOA x519	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
6C	2/17/04 wire of \$30,000 from ABB to BOA x519	-
6D	2/20/04 wire of \$22,500 from BOA x519 to Chelala	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
6E	2/23/04 wire of \$45,000 from BOA x519 to Chelala	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
6F	2/26/04 wire of \$68,159 from Chelala to Lizarraga	Relevance under Rules 402 and 403 – this “tracing” is too attenuated. Cumulative under Rules 403 and 611(a)– same exhibit as 2E, 3E, 5G.

No.	Description	Objections/Notes
6G	Records relating to Lizarraga's 3/18/04 purchase for Moreno	These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a). In addition, object to use of Lindsey_MISC_023716, Lindsey DOJTRANS_000451-52, withheld by the government until October 20, 2011, weeks before trial. In addition, Lindsey_MISC_023716 is a foreign public record unauthenticated under Rules 901 or 902 and is improper under Rule 403 with regard to witness signatures.
7	Records Relating to Count 7	Object to all of Count 7 exhibits on relevance grounds under Rules 401 and 402.
7A	2/2/04 email from Basurto to O'Shea relating to payments	Cumulative under Rules 403 and 611(a): 3A, 4A, 5A, 6A, 7A are same exhibit.
7B	2/6/04 cashed check no. 103 from BOA x414 for \$9,000	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
7C	2/17/04 wire of \$31,750 from ABB to BOA x414	
7D	Payments from BOA x414 to O'Shea after 2/17/04 wire	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
8	Records Relating to Count 8	Object to all Count 8 exhibits on relevance grounds under Rule 401 and 402.
8A	Documents relating to Obras invoice for \$327,000	Optional completeness - lacks precursor purchase order.

No.	Description	Objections/Notes
8B	3/8/04 wire of \$327,000 from ABB to Obras Mexican account	Optional completeness under Rule 611(a) -lacks precursor purchase order.
9	Records Relating to Count 9	
9A	Documents relating to Sorvill invoice for \$218,000	Best evidence rule objection under Rules 1001-1008 and Optional Completeness under Rule 611(a)– Not fully approved version.
9B	4/1/04 wire of \$218,000 from ABB to Sorvill German Dresdner account	-
9C	4/5/04 wire of \$24,475 from Sorvill German Dresdner account to St. John's Military Academy for Moreno's son	Object to foreign bank records. Lack of foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401, 403 – this “tracing” is too attenuated.
9D	5/5/04 wire of \$10,000 from Sorvill German Dresdner account to Tazzer	Object to foreign bank records. 18 U.S.C. 3491 et al. regarding foreign business records. Lack of foundation. Relevance; 403 – this “tracing” is too attenuated.
9E	2005 wires from Sorvill German Dresdner account to Tazzer	Object to foreign bank records. 18 U.S.C. 3491 et al. regarding foreign business records. Lack of foundation. Relevance; 403 – this “tracing” is too attenuated.
10	Records Relating to Count 10	
10A	Emails from Basurto concerning Esimex invoice for \$42,343 payment	Optional completeness under Rule 611(a): – emergency payment request.
10B	5/13/04 wire of \$42,343 from ABB to BOA x772	-
10C	5/14/04 wire of \$30,831 from BOA x772 to Chelala	Relevance under Rule 401, 403 – this “tracing” is too attenuated.

No.	Description	Objections/Notes
10D	5/21/04 wire of \$15,878 from Chelala to Lizarraga x310	Relevance under Rule 401, 403 – this “tracing” is too attenuated.
10E	Documents related to 6/21/04 wire of \$2,000 from Chelala to Leonardo Rovira (and translation)	Object to foreign bank records. Lack of foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401, 403 – this “tracing” is too attenuated and communications do not involve O’Shea. Object to uncertified translation of letter at SEC-ABB-LTD-0660, and to translation of email produced only on October 28, 2011.
10F	Select Wells Fargo statements for account x310	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
10G	Select Wells Fargo statements for account x302	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
10H	Select Wells Fargo statements for account x575	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
10I	Select American Express statements for account x71001	Relevance under Rules 401, 403 – this “tracing” is too attenuated.
10J	Select Air France records	Relevance under Rules 401, 403 – this “tracing” is too attenuated. Object to translation produced only on October 28, 2011.
11	Records Relating to Count 11	Object to all Count 11 exhibits on relevance grounds under Rules 401, 403.
11A	5/7/04 email between O’Shea and Basurto	

No.	Description	Objections/Notes
11B	Documents relating to Obras invoice for \$76,200	
11C	6/3/04 wire of \$76,200 from ABB to Obras Mexican account	
12	Records Relating to Count 12	
12A	Sorvill invoice for \$50,800	Optional completeness under Rule 611(a) and best evidence objection under Rule 1001-1008 – not fully approved version.
12B	6/3/04 wire of \$50,800 from ABB to Sorvill German account	-
12C	6/4/04 wire of \$5,000 from Sorvill German account to St. John's Military Academy	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401, 403 – this “tracing” is too attenuated. Government is taking inconsistent positions; in Lindsey, offered different theory of same facts to convict different defendants.
12D	St. John's refund for \$23,450 to Nestor Moreno	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401 and 403 – this “tracing” is too attenuated. Government is taking inconsistent positions; in Lindsey, offered different theory of same facts to convict different defendants.
12E	Conversion of Sorvill German Dresdner account to Sorvill German UBS account	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401 and 403 – this “tracing” is too attenuated.
12F	Conversion of Sorvill German UBS account to Sorvill Swiss UBS account	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401 and 403 – this “tracing” is too attenuated.

No.	Description	Objections/Notes
12G	Records related to the use of the Sorvill Swiss UBS account to purchase of the Dream Seeker Yacht	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401 and 403 – this “tracing” is too attenuated. Government is taking inconsistent positions; in Lindsey, offered different theory of same facts to convict different defendants.
12H	Records related to the use of the Sorvill Swiss UBS account transfers to Nestor Moreno’s family	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records. Relevance under Rules 401 and 403 – this “tracing” is too attenuated. Government is taking inconsistent positions; in Lindsey, offered different theory of same facts to convict different defendants.
13	Records Relating to Count 13	Object to all Count 13 exhibits because O’Shea no longer employed at this point; Rene Cotting approved. Relevance under Rules 401 and 403.
13A	Esimex invoice for \$42,342	Optional completeness objection under Rule 611(a) and Best Evidence objection under Rules 1001-1008 – lacks payment request.
13B	Documents relating to 9/27/04 wire of \$42,342 from ABB to BOA x772	
13C	10/4/04 wire of \$31,750 from BOA x772 to Chelala	
13D	10/14/04 wire of \$15,875 from Chelala to Lizarraga	Object to foreign bank records. No foundation. 18 U.S.C. 3491 et al. regarding foreign business records.
14	Payments Relating to the SITRACEN Contract	Object to both Count 14 exhibits. Relevance under Rules 401 and 403. Unindicted acts.
14A	Ledger of payments to Esimex and Sorvill	

No.	Description	Objections/Notes
14B	Summary chart of checks from Basurto to Hernandez and underlying checks	Records are not too voluminous as required under Rule 1006. Backup records – can't have both under Rule 1006.
15	Emails Relating to the Benitez Invoice	Relevance under Rules 401 and 403. Unindicted acts.
16	Emails Relating to the Boat Trip	Relevance under Rules 401 and 403. Unindicted acts. Optional completeness under Rule 611(a). Object to translation produced only on October 28, 2011. Emails are separate documents, and one is missing its attachment that would supposedly connect them.
17	ABB Network Management General Documents	
17A	Photos of ABB Network Management Sugar Land office	Relevance under Rule 401, and under Rule 403 as to Mexican flag.
17B	ABB Network Management organizational chart	Optional Completeness under Rule 611(a).
17C	Initial pages of executed SITRACEN contract (and translation)	Optional Completeness under Rule 611(a). Object to translation produced only on October 28, 2011.
17D	Email regarding Evergreen contract	Object to unofficial translation.
17E	Initial pages of executed Evergreen contract (and translation)	Optional Completeness under Rule 611(a). Object to translation produced only on October 28, 2011.
17F	ABB Standards of Business Conduct and O'Shea's acknowledgment	These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a). Objected previously to authenticity of each and all of these documents.

No.	Description	Objections/Notes
		Object to production of long-held document, ABBNM-V109-1172169-86, two weeks before trial in a 30,000 page data "dump." No foundation to connect pages with inconsistent Bates-labeling, purportedly tying acknowledgement to standards.
18	Records Relating to Representation Agreements	
18A	Esimex 1994 Representation Agreement	Object to notes and mark-ups, request redactions. Notes and markups were by non-witness Dick Hope.
18B	Esimex 1998 Representation Agreement (without amendment)	-
18C	Esimex 1998 Representation Agreement (amended 4/1/01)	-
18D	4/30/01 Letter Agreement with Esimex	-
18E	Sorvill 1997 Representation Agreement	-
18F	Sorvill 1998 Representation Agreement	-
19	Select Emails Concerning CFE Officials	
19A	10/27/2003 emails from Basurto and O'Shea regarding Carlos	-
19B	12/11/2003 email from O'Shea regarding Carlos	Relevance under Rules 401 and 403.

No.	Description	Objections/Notes
19C	07/28/2004 email from Basurto regarding Carlos and Nestor	Relevance under Rules 401 and 403.
20	Post-Culbertson Documents Relating to Esimex Payments	Object to all exhibits in this group – they post-date any O’Shea involvement and all but 20A post-date his employment and relate to internal investigations.
20A	8/2/04 purchase order no. 108715 for ESIMEX	
20B	9/21/04 email from Basurto to Forn regarding spreadsheet (with translation)	These are multiple separate documents with separate Bates ranges. Object to grouping as one document – improper characterization under Rule 611(a). Object to unofficial translation. Not business record but instead investigative.
20C	10/18/04 email to Cotting regarding Esimex payments	Object – not on face what purports to be. Cumulative under Rules 403 and 611(a). Not business record but instead investigative.
20D	10/18/04 email to Cotting regarding revised Esimex payments	Cumulative under Rules 403 and 611(a). Not business record but instead investigative.
20E	10/19/04 e-mail from Cotting regarding revised ESIMEX payments	Cumulative under Rules 403 and 611(a). Not business record but instead investigative.
20F	10/21/04 email from Cotting regarding stopping Esimex payments	Cumulative under Rules 403 and 611(a). Not business record but instead investigative.
20G	10/22/04 email from Cotting with attached records concerning PO 108715	Relevance under Rules 401 and 403. Not business record but instead investigative.
21	Documents concerning CFE’s Status	

No.	Description	Objections/Notes
21A	Mexican Constitution, Title and Article 27	Failure to file Rule 26.1 Notice of Foreign Law Determination. No foundation. Optional completeness under Rule 611(a) and authenticity – this is an apparently uncertified English translation with no official markings.
21B	Public Service Law and translation	Failure to file Rule 26.1 Notice of Foreign Law Determination. No foundation.
21C	Select ABB Inc. Latin America/Caribbean Operations Reports from O'Shea's hard drive	No foundation. Relevance under Rules 401 and 403.
21D	6/15/99 letter from Gustavo Salvador Torres to O'Shea	No foundation. Missing witness rule. Rule 403 without an ability to see previous letter from O'Shea.
21E	9/17/03 application form for exceptions under directive EC 11.05 on which O'Shea is copied	No foundation.
21F	Photos of individuals	Relevance under Rules 401 and 403. Missing witness rule. Cumulative under Rules 403 and 611(a).
22	Methods of Communication	
22A	12/15/04 email from Basurto regarding "tablas traducidas" (with attachment, metadata, and translation)	Relevance – post-dates O'Shea termination and he is not present at this meeting. Object to translation produced only on October 28, 2011.
22B	1/7/05 fax from Woolbert to Forn attaching information regarding Evergreen reserve	Relevance under Rules 401 and 403 – post-dates O'Shea termination and he is not present at this meeting. Not business record but instead investigative.
22C	4/13/05 email from Basurto regarding mutual friends (with metadata)	Relevance under Rules 401 and 403. Relates to severed count.

No.	Description	Objections/Notes
22D	4/28/05 email from O'Shea regarding private email (with metadata)	Severed count. Relevance and Rule 403.
22E	Chart created 10/04/05 (from Basurto) (with metadata and translation)	-
22F	Chart created 10/11/05 (from Basurto) (with metadata and translation)	-
23	Documents Regarding Nov. 2003 Esimex Representative Agreement Created in Aug. 2004	Global objection to Exhibits in 23-26 Groups because they post-date termination, are unduly prejudicial, and relate to severed counts. Cumulative under Rules 403 and 611(a).
23A	8/31/04 email from O'Shea regarding representative agreement (with attachment and metadata)	
23B	9/20/04 email from O'Shea regarding signed amendments (with metadata)	
23C	10/30/2004 email blind copying Cotting regarding Mexico	Not business record but investigational. Contains hearsay about what other people knew. No foundation. Optional completeness under Rule 611(a) – attachments not included and apparently not available. In addition, object to use of ABBNM-V105-1172005, withheld by the government until October 20, 2011, two weeks before trial.
23D	11/01/04 email from O'Shea regarding Woolbert letter (with attachment and metadata)	
23E	11/12/04 letter from Basurto to Woolbert	Not business record but prepared in anticipation of litigation.
23F	Esimex 2003 Representation Agreement (from Basurto)	Cumulative under Rules 403 and 611(a). Relates to severed counts.

No.	Description	Objections/Notes
23G	Esimex 2003 Representation Agreement (from ABB)	Cumulative under Rules 403 and 611(a). Relates to severed counts.
24	Documents Regarding Nov. 2003 Obras Maritimas HB Contract Created in Oct. 2004	Global objection to Exhibits in 23-26 Groups because they post-date termination, are unduly prejudicial, and relate to severed counts. Cumulative under Rules 403 and 611(a).
24A	10/23/04 email from O'Shea regarding notes for HB (with attachment and metadata)	Object to translation produced only on October 28, 2011.
24B	10/23/04 email from Basurto regarding contract (with attachment and metadata)	Relevance under Rules 401 and 403. Internal Basurto document. Not translated.
24C	10/23/04 email from Basurto regarding HB service contract (with metadata)	
24D	10/23/04 email from O'Shea regarding HB service contract (with metadata)	
24E	10/25/04 email from O'Shea regarding HB service contract (with metadata)	
24F	10/26/04 email from O'Shea regarding new document (with metadata)	
25	Documents Regarding Correspondence Created in Nov. 2004 - 2005	Global objection to Exhibits in 23-26 Groups because they post-date termination, are unduly prejudicial, and relate to severed counts. Cumulative under Rules 403 and 611(a).
25A	Document entitled CartasCarlos.doc (with metadata and translation)	No translation. Internal Basurto document.
25B	11/26/04 email from O'Shea regarding letters (with attachment and metadata)	

No.	Description	Objections/Notes
25C	11/27/04 email from O'Shea regarding letters (with metadata)	
25D	11/27/04 email from O'Shea regarding additional comments (with attachment and metadata)	
25E	11/30/04 email from O'Shea regarding Gustavo draft (with metadata)	
25F	12/1/04 email from O'Shea regarding document trail (with metadata)	
25G	12/01/04 email from O'Shea regarding letters (with attachment and metadata)	
25H	12/06/04 email from O'Shea regarding letters and documentation (with metadata)	
25I	12/07/04 email from Rodrigo@grupohb.com regarding HB logo (with attachment, metadata, and translation)	Object to translation produced only on October 28, 2011. Relevance under Rules 401 and 403 – not communicated to O'Shea.
25J	3/22/05 email from O'Shea regarding more changes (with attachment and metadata)	
25K	3/29/05 email from O'Shea regarding suggestion for change (with attachment and metadata)	
25L	3/31/05 email from O'Shea regarding corrections (with attachment and metadata)	
25M	9/20/05 email from O'Shea regarding the latest on Gustavo (with metadata)	

No.	Description	Objections/Notes
25N	Chart created 11/14/05 (with metadata and translation)	Relevance under Rules 401 and 403 – not communicated to O’Shea. In addition, object to use of document, which was withheld by the government until October 20, 2011, two weeks before trial.
25O	Signed versions of letters (with translation)	Not fully translated.
26	Other Documents Created in Dec. 2004 - Oct. 2005	Global objection to Exhibits in 23-26 Groups because they post-date termination, are unduly prejudicial, and relate to severed counts. Cumulative under Rules 403 and 611(a).
26A	12/1/04 email from Basurto regarding consoles (with attachment, translation, and metadata)	Object to translation produced only on October 28, 2011. Relevance – not communicated to O’Shea.
26B	List of documents created 3/01/05 (with metadata)	Relevance under Rules 401 and 403 – not communicated to O’Shea.
26C	3/02/05 email from Basurto regarding Kema (with attachments, metadata, and translations)	Untranslated. Relevance under Rules 401, 403 – not communicated to O’Shea.
26D	3/04/05 email to O’Shea regarding keeping the papers confidential (with metadata)	
26E	3/05/05 email from Basurto to Gustavo Salvador regarding document (with attachment, translation, and metadata)	Relevance under Rules 401 and 403 – not communicated to O’Shea. Optional completeness under Rule 611(a). In addition, object to use of BASURTO-0122392T – BASURTO-0122414T, a translation produced by the government only on October 20, 2011, two weeks before trial.
26F	Unsigned 2/14/04 Contrato de Asociacion en Participacion created 9/27/05 (with translation and metadata)	Relevance under Rules 401, 403 – not communicated to O’Shea. Best evidence rule under Rule 1001-1008 – unsigned. Object to translation produced only on October 28, 2011.

No.	Description	Objections/Notes
26G	Signed 2/14/04 Contrato de Asociacion en Participacion (with translation)	Relevance under Rules 401 and 403 – not communicated to O’Shea. Despite description, no translation attached.
26H	10/10/05 email from Basurto to O’Shea regarding strategy papers (with attachments)	
26I	10/11/05 email from Basurto to O’Shea regarding files (with metadata)	
26J	10/11/05 email from O’Shea to Basurto regarding files (with metadata)	
26K	10/17/05 email from O’Shea to Basurto regarding comments (with attachment and metadata)	
26L	10/18/05 emails from O’Shea to Basurto regarding Gustavo (with attachment and metadata)	
27	Plea Agreement for Fernando Maya Basurto	-